

REMARKS

This amendment is in response to the Office Action mailed October 6, 2008

Reconsideration of this application is respectfully requested, in view of the foregoing amendments and accompanying remarks.

I. Status of the Claims

After entry of this amendment, claims 1-16, 18 and 25 are pending.

Claim 1 is amended to correct several obvious clerical errors. Claims 17 and 19-24 are canceled without prejudice, as covering non-elected subject matter. Claim 18 is amended to delete "migraine or cluster headache," and new dependent claim 25 is added instead.

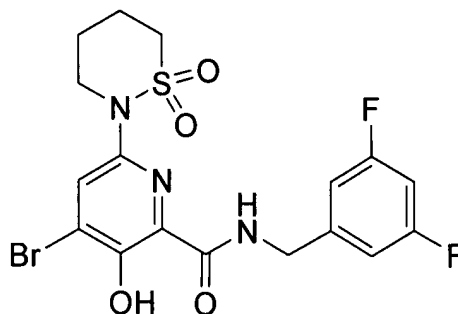
II. Restriction Requirement

In the office Action, the Examiner requires restriction among 36 separate groups, including:

- I. Claims 1-16, drawn to a compound and a pharmaceutical composition of the formula;
- II Claim 17, drawn to a method for antagonism of CGRP receptor activity using a chemical compound of the formula;
- III. Claims 18 and 21-24, drawn to a method for treating, controlling, ameliorating, or reducing the risk of headache, migraine or cluster migraine using a chemical compound of the formula; and
- IV-XXXVI, each drawn to a method of treating, controlling, ameliorating, or reducing the risk of various diseases.

In response, applicants elect the Group I claims.

The Examiner also requires election of a single species to be prosecuted in the event that no generic claim is allowable. In response, applicants elect the species of Example 1:



which is disclosed in the specification at page 27.

Species claim 15 lists Example 1 as the first species.

Additionally, Claims 1, 2, 3, 9, 10 and 13 read on the elected species, when R^2 is $-NR^6-S(O)_2-N(R^6)(R^7)$; R^3 is hydrogen; R^4 is halogen (bromo); and R^1 is a methyl group substituted with a phenyl, which is in turn substituted with two halogens (fluoro).

III. Rejoinder

In addition to the traversal, the Examiner is reminded of the rejoinder provisions of M.P.E.P. § 821.04, which provides for rejoinder of process claims which are dependent from or include all the limitations of an allowable product claim. Further, the PCT administrative instructions on Unity of Invention state that for claims to a product, unity of invention permits inclusion of "an independent claim for the use of said product." See M.P.E.P., Annex B, Unity of Invention, Sect. (e)(i).

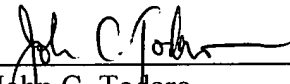
Thus, applicants request that the Examiner rejoin at least one of the process groups II to XXXVI upon a determination of allowability of the Group I claims. Applicants request rejoinder of process group III (claims 18 and 25).

IV. Conclusion

In view of the action taken, it is believed that the restriction requirement should now be withdrawn, and this application should now be examined.

Favorable action is earnestly solicited.

Respectfully submitted,

By: 
John C. Todaro
Reg. No. 36,036
Attorney for Applicants

Date: 11-5-2008

Merck & Co., Inc.
P.O. Box 2000
Rahway, NJ 07065-0907
(732) 594-2675